

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GERARDO PEREZ,

Plaintiff,

v.

JENNIFER NASH, et al.,

Defendants.

Case No. 2:19-cv-02096-APG-EJY

ORDER

Pending before the Court are two filings by Plaintiff Gerardo Perez titled Motions to Separate. ECF Nos. 25 and 26. The Court has considered the Motions and the Responses (ECF Nos. 28 and 29) thereto. No reply was filed.

In his Motions, Plaintiff seeks to separate Case No. 19-cv-1181-GMN-BNW from Case No. 19-cv-02096-APG-EJY. Plaintiff also appears to seek permission to refile separate TRO and Preliminary Injunction motions because “Plaintiff’s Complaint alleges ‘Imminent Danger.’” ECF No. 25 at 2. Defendants correctly state that Plaintiff’s Motions to Separate are moot. ECF No. 28 and 29 at 1. The case that bears Case No. 2:19-cv-01181-GMN-BNW (the “1181 case”) was dismissed with prejudice on December 30, 2020. *See* ECF No. 28 in the 1181 case. Thus, there is nothing to separate and Plaintiff’s Motions to Separate are denied as moot. With respect to Plaintiff’s request for injunctive relief, the Court’s December 23, 2020 Order (ECF No. 24) in the instant matter states that Plaintiff has filed “three motions for preliminary injunction (ECF Nos. 6, 8, 18) and three motions for temporary restraining order (TRO) (ECF Nos. 7, 9, 19).” *Id.* at 1. The Court considered each of these motions and denied them all. *Id.* at 5. The Court plainly stated:

Perez is arguing about his need for medical care. *See generally* ECF Nos. 8, 9, 18, 19. However, his complaint is about First Amendment retaliation and Fourteenth Amendment due process property deprivation. ECF Nos. 3, 4. I have equitable power only over the merits of the case before me, and I do not have the authority to issue an injunction on issues not pleaded in the complaint. Because Perez does not raise medical issues in his complaint, I deny the motions for preliminary injunction and TRO.

Id. at 2:17-22. Plaintiff presents nothing to the undersigned that changes the analysis stated above.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions to Separate (ECF Nos. 25 and 26) are DENIED.

Dated this 29th day of January, 2021